

Appl. No. 10/664,373
Docket No. 7792C
Amdt. dated June 11, 2009
Reply to Office Action mailed on March 12, 2009
Customer No. 27752

REMARKS

Claim Status

Claims 1-4 are pending in the present application. No additional claims fee is believed to be due.

Independent claim 1 has been amended to include the features of a predetermined ornamental visual image consisting of a first incomplete image element having a shape, a second incomplete image element having a shape and a third incomplete image element having a shape, wherein the shape of said first and second incomplete image elements differ from the shape of said third incomplete image element. Support for the amendment is found at page 18 line 23 through page 19 line 31 and the figures of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(e) Over Pozniak et al (US 6,045,543)

Claims 1 and 2 have been rejected for reasons of record at pages 2 and 3 of the Office Action dated March 12, 2009. Applicants submit that independent claim 1 has been amended to include the features of a predetermined ornamental visual image consisting of a first incomplete image element having a shape, a second incomplete image element having a shape and a third incomplete image element having a shape, wherein the shape of said first and second incomplete image elements differ from the shape of said third incomplete image element. Applicants submit that this amendment overcomes the rejection. As best understood by Applicants the indicia present on the tabs and front portion of the article disclosed in Pozniak have the same shape (parallel lines).

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

